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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,274	10/31/2003	David J. Byerly	NOR / 1137	1630
37172	7590	08/17/2006	EXAMINER	
WOOD, HERRON & EVANS, LLP (NORDSON)			BOCHNA, DAVID	
2700 CAREW TOWER			ART UNIT	PAPER NUMBER
441 VINE STREET			3679	
CINCINNATI, OH 45202			DATE MAILED: 08/17/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/698,274	BYERLY ET AL.
	Examiner	Art Unit
	David E. Bochna	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-6 and 10-15 is/are rejected.
- 7) Claim(s) 7-9 and 16 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date ____ .	6) <input type="checkbox"/> Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 12 recites the limitation "said supply hose" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 13, it is unclear what is meant by "hydraulically coupling".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Crot.

In regard to claim 1, Crot discloses an apparatus for conveying a liquid, comprising:

a housing 16 including a fluid cavity 31 and a socket assembly 17 positioned in said fluid cavity;

a ball member 11 engaged for movement within said socket assembly, said ball member including a bore; and

a stem 12 received in said bore with a liquid-tight engagement with said ball member and including a liquid passageway coupled in fluid communication with said fluid cavity, said stem being axially movable along said bore for transferring an axial force directed along said stem to said housing.

In regard to claim 2, further comprising:

at least one sealing ring 41 compressed between said stem and said ball member to provide the liquid-tight engagement there between.

In regard to claim 3, wherein said stem includes a first plurality of radial passageways 38 and said ball member includes a second plurality of radial passageways 29 coupled for transferring the liquid from said liquid passageway in said stem to said fluid cavity.

In regard to claim 4, further comprising:

a pair of sealing rings 41 extending around said stem and within said bore, said pair of sealing rings situated on opposite axial sides of said first plurality of radial passageways for providing the liquid-tight engagement.

In regard to claim 5, wherein said pair of sealing rings 41 are distanced from said plurality of radial passageways such that said axial liquid passageway is coupled in fluid communication with said plurality of radial passageways as said stem moves axially along said bore.

In regard to claim 6, wherein said swivel member further includes a flange 45 projecting radially outward from said stem.

In regard to claim 10, the stem includes a shoulder 37 with a diameter larger than said bore to operate as a stop against axial movement of said stem.

In regard to claim 11, further comprising a dispenser F having an internal fluid pathway coupled in fluid communication with said fluid cavity.

In regard to claim 12, further comprising:

a supply conduit F1 coupled in fluid communication with said liquid passageway of said stem, said supply hose supplying the liquid to said liquid passageway.

In regard to claim 13, Crot discloses a method of transferring a liquid to an internal fluid pathway of a dispenser, comprising:

mechanically coupling a housing 18 of a hydraulic swivel fitting with the dispenser; fitting with a supply conduit F to receive a flow of the liquid; hydraulically coupling a liquid passageway F1 in a stem of the swivel conveying the liquid from the liquid passageway to the internal fluid pathway of the dispenser; rotating a ball member 11 of the swivel fitting relative to a socket assembly carried by the swivel fitting to adjust a position of the dispenser; and transferring an axial force applied by the supply conduit to the stem of the swivel fitting from the stem to the housing and subsequently from the housing to the dispenser (via 45).

In regard to claim 14, wherein transferring the axial force further comprises:

allowing a first portion of the stem to move axially within a bore of the ball member so that a second portion 45 of the stem contacts the housing for transferring the axial force from the stem to the housing.

In regard to claim 15, wherein conveying the liquid from the liquid passageway through the swivel fitting further comprises:

sealing 41 the first portion of the stem with the bore in a fluid-tight engagement to prevent leakage there between as the first portion of the stem moves relative to the bore.

Allowable Subject Matter

6. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sondrup, Huston, Duvet et al., Monroe, Gray and Abel all disclose similar couplings common in the art.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David E. Bochna
Primary Examiner
Art Unit 3679